IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.1559 OF 2005

Vithoba Mogalappa Pogul : Petitioner

V/s.

The Civil Judge Senior Division, Solapur : Respondent

...

Mr.G.S. Godbole for the petitioner.

Mr.A.H.Palekar, Asstt. Govt. Pleader for the respondent.

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CORAM : S.A. BOBDE, J.

June 6, 2005.

P.C.:

1. Rule, returnable forthwith. Mr.Palekar, learned Asstt. Govt. Pleader, appears and waives service of rule on behalf of the respondent.

Heard by consent.

2. By the impugned order, the learned Civil Judge, Senior Division, Solapur, rejected the petitioner's application for review. The rejection is on the sole ground that the power to review vests only in the High Court under section 114 read with section 113 of the C.P.C. The construction put on the statutory scheme is whole untenable.

3. The petition is, therefore, allowed. The trial Court is directed to decide the petitioner’s application on merits, in accordance with law, without being influenced by this order. The rule is made absolute in the aforesaid terms.

Sd/-

S.A. BOBDE, J.